

## BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

ROBERT "BOB" BURNS – Chairman  
BOYD DUNN  
SANDRA D. KENNEDY  
JUSTIN OLSON  
LEA MÁRQUEZ PETERSON

IN THE MATTER OF THE APPLICATION OF  
ARIZONA PUBLIC SERVICE COMPANY FOR A  
HEARING TO DETERMINE THE FAIR VALUE OF  
THE UTILITY PROPERTY OF THE COMPANY  
FOR RATEMAKING PURPOSES, TO FIX A JUST  
AND REASONABLE RATE OF RETURN  
THEREON, TO APPROVE RATE SCHEDULES  
DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-19-0236

RATE CASE  
PROCEDURAL ORDER**BY THE COMMISSION:**

On October 1, 2019, Arizona Public Service Company ("APS") filed with the Arizona Corporation Commission ("Commission") a Notice of Intent to File a Rate Case Application and Request to Open Docket. As a result, this docket was opened.

On October 9, 2019, a Procedural Order regarding Consent to Email Service was issued.

On October 31, 2019, APS filed its Rate Application.

On November 1, 2019, Richard Gayer filed an Individual Request for Intervention.

On November 5, 2019, The Kroger Co. ("Kroger") filed a Petition for Leave to Intervene.

Also on November 5, 2019, Southwest Energy Efficiency Project ("SWEEP") filed an Application for Leave to Intervene.

On November 6, 2019, Western Resource Advocates ("WRA") filed an Application for Leave to Intervene.

On November 7, 2019, Freeport Minerals Corporation ("Freeport") and Arizonans for Electric Choice and Competition ("AECC") jointly filed an Application for Leave to Intervene.

On November 12, 2019, SOLON Corporation ("SOLON") filed a Motion to Intervene.

On November 18, 2019, Mr. Gayer filed a Motion to Prohibit Settlement Conference and Settlement Agreement and Demand Litigation, specifically requesting that all issues impacting residential customers be fully litigated.

1 On November 19, 2019, by Procedural Order, intervention was granted to Mr. Gayer, Kroger,  
2 SWEEP, WRA, Freeport, and AECC.

3 On November 22, 2019, the Residential Utility Consumer Office ("RUCO") filed a Motion to  
4 Intervene.

5 On November 25, 2019, APS filed its Initial Response to Mr. Gayer's Motion to Prohibit  
6 Settlement, Etc. ("Gayer Motion"), stating that it opposed both the substance and timing of Mr. Gayer's  
7 Motion, given that the status of this matter is in the very preliminary stages, and that the Motion should  
8 not be considered at this juncture.

9 On November 26, 2019, the Property Owners and Residents Association of Sun City West  
10 ("PORA") filed an Application to Intervene. PORA included a Resolution designating Director Bob  
11 Miller and President Ralph Johnson as PORA's representatives.

12 On November 27, 2019, by Procedural Order, intervention was granted to SOLON.

13 On November 29, 2019, the Commission's Utilities Division ("Staff") filed a Letter of  
14 Sufficiency, stating that APS's rate application had met the sufficiency requirements as outlined in  
15 Arizona Administrative Code ("A.A.C.") R14-2-103(B)(7) and that APS had been classified as a Class  
16 A Utility.

17 On December 2, 2019, Mr. Gayer filed a Reply on Motion to Prohibit Settlement, Etc., stating  
18 that Mr. Gayer's Motion did not request resolution of any issue herein at this time, only that all issues  
19 be resolved as part of litigation conducted in public and streamed live via the Commission's website.

20 On December 2, 2019, by Procedural Order, a procedural conference was scheduled for  
21 December 9, 2019, and RUCO's Application for Intervention was granted.

22 On December 3, 2019, Arizona Competitive Power Alliance ("ACPA") filed an Application  
23 for Leave to Intervene.

24 On December 6, 2019, Wildfire filed an Application for Leave to Intervene.

25 ...

26 ...

27 ...

28 ...

1 Also on December 6, 2019, Mr. Gayer filed a Document entitled Proposed Rules and  
2 Procedures for Litigation.<sup>1</sup>

3 Additionally, on December 6, 2019, Staff filed a Notice of Filing a proposed procedural  
4 schedule and a Revised Notice of Filing a proposed procedural schedule. Staff's proposed procedural  
5 schedule included a hearing to commence on September 14, 2020.

6 On December 9, 2019, the Procedural Conference was held as scheduled with APS, SWEEP,  
7 WRA, Freeport, AECC, RUCO, ACPA, Wildfire, and Staff appearing through counsel and Mr. Gayer  
8 appearing pro se. Several potential intervenors were also represented. During the procedural  
9 conference, intervention was granted to PORA, ACPA, and Wildfire without objection. Additionally,  
10 the Gayer Motion was considered and denied, and discussions were held concerning Staff's proposed  
11 procedural schedule as well as party access to APS discovery requests and responses. The parties  
12 generally supported a schedule that would provide 6 weeks for Staff/Intervenor surrebuttal testimony  
13 to be filed; would include public comment sessions in Phoenix, Flagstaff, and Yuma; would have a  
14 hearing commence on September 28, 2020; and would establish a deadline for discovery requests  
15 approximately five days before the first day of hearing. APS agreed to have the Commission's Decision  
16 timeclock deadline extended to accommodate the hearing beginning in late September. There was also  
17 general agreement that the hearing is likely to take three to four weeks. At the conclusion of the  
18 procedural conference, the parties' input was taken under advisement.

19 Also on December 9, 2019, Kroger filed a Motion to Associate Counsel *Pro Hac Vice* for Kurt  
20 J. Boehm. Kroger attached to its Motion Verified Applications for Appearance *Pro Hac Vice*,  
21 Certificates of Good Standing, and Notices of Receipt of Complete Application from the State Bar of  
22 Arizona for both Kurt J. Boehm and Jody Kyler Cohn. Thus, Kroger's Motion was considered to  
23 include a request for *pro hac vice* admission of Ms. Kyler Cohn as well.

24 On December 12, 2019, at its Staff Open Meeting, the Commission discussed the procedural  
25 schedule for this matter, including what would be necessary to have the Recommended Opinion and  
26 Order produced for consideration by the Commission at an Open Meeting in October or November  
27

---

28 <sup>1</sup> Mr. Gayer also again filed the Gayer Motion.

1 2020. The Hearing Division discussed the typical timeline for processing a Class A rate case and  
2 provided background information on processing times of previous APS rate cases. The Hearing  
3 Division was directed to provide the background information in writing and to provide three different  
4 scenarios to accomplish consideration of a final order at an Open Meeting in 2020.

5 On December 13, 2019, the Hearing Division filed a Memorandum regarding the Procedural  
6 Schedule for this matter, providing the information requested by the Commission at the Staff Open  
7 Meeting.

8 Also on December 13, 2019, Staff filed correspondence providing information “crucial to the  
9 consideration of an expedited case processing timeline” for this matter. Staff included a copy of the  
10 Request for Proposal (“RFP”) issued by Staff on November 8, 2019, in response to which Staff received  
11 only one bid that did not propose to address all of the work elements in the RFP. Staff stated that the  
12 responding consultant did not propose to complete the review of the Cost of Service Study, the  
13 Engineering Analysis, and the evaluation of Rate Design. Staff stated that it may need to seek out a  
14 consultant to complete these work elements and that an expedited timeline could also result in a need  
15 to issue a new RFP if the responding consultant cannot perform within the timeline due to other  
16 commitments.

17 On December 17, 2019, the Commission provided public Notice of a Special Open Meeting to  
18 be held on December 19, 2019, regarding the process and procedural schedule for this matter.

19 Also on December 17, 2019, by Procedural Order, Mr. Boehm and Ms. Kyler Cohn were  
20 granted admission pro hac vice, and John William Moore, Jr.’s previous request to be excluded from  
21 the service list for paper copies was granted.

22 Also on December 17, 2019, Mr. Gayer filed Comments on Hearing Division Memo on  
23 Scheduling and Objection to Short Notice of Meeting.

24 On December 18, 2019, Solar Energy Industries Association (“SEIA”) and Arizona Solar  
25 Energy Industries Association (“AriSEIA”) jointly filed an Application for Leave to Intervene.

26 On December 19, 2019, the Commission held a Special Open Meeting at which the procedural  
27 schedule for this matter was discussed. The Commission voted to adopt as a goal the third illustrative  
28 expedited schedule from the Hearing Division Memorandum, but with the express acknowledgment



1 that requests for extension made for good cause may be granted. The parties who appeared (Wildfire,  
2 PORA, SOLON, Freeport, AECC, WRA, SWEEP, Mr. Gayer, RUCO, Staff, and APS) were all  
3 provided the opportunity to speak to the potential schedules included in the Hearing Division  
4 Memorandum. Public comment was also accepted.

5 Pursuant to A.A.C. R14-2-103(B)(11)(a) and R14-3-101(C), the Commission issues this  
6 Procedural Order to govern the preparation and conduct of this proceeding.

7 IT IS THEREFORE ORDERED that the **hearing** in this matter shall commence on **July 17,**  
8 **2020, at 10:00 a.m.,** at the Commission's offices at 1200 West Washington Street, Phoenix, Arizona  
9 85007, and shall continue, as necessary, at **9:00 a.m. on July 20-24 and 27-31 and on August 3-4, 7,**  
10 **10-14, 17-21, 24-28, and 31, 2020.**

11 IT IS FURTHER ORDERED that the **pre-hearing conference** in this matter shall be held on  
12 **July 13, 2020, at 10:00 a.m.,** at the Commission's offices in Phoenix, Arizona.

13 IT IS FURTHER ORDERED that the **direct testimony** and associated exhibits to be presented  
14 at hearing on behalf of **Staff or an intervenor** on issues **other than rate design** shall be reduced to  
15 writing and filed on or before **May 20, 2020.**

16 IT IS FURTHER ORDERED that the **direct testimony** and associated exhibits to be presented  
17 at hearing on behalf of **Staff or an intervenor** on **rate design** issues shall be reduced to writing and  
18 filed on or before **May 27, 2020.**

19 IT IS FURTHER ORDERED that any **rebuttal testimony** and associated exhibits to be  
20 presented at hearing by **APS** shall be reduced to writing and filed on or before **June 18, 2020.**

21 IT IS FURTHER ORDERED that any **surrebuttal testimony** and associated exhibits to be  
22 presented at hearing by **Staff or an intervenor** shall be reduced to writing and filed on or before **July**  
23 **2, 2020.**

24 IT IS FURTHER ORDERED that any **rejoinder testimony** and associated exhibits to be  
25 presented at hearing by **APS** shall be reduced to writing and filed on or before **July 10, 2020.**

26 IT IS FURTHER ORDERED that **all testimony filed shall include a table of contents** listing  
27 the issues discussed therein.  
28

1 IT IS FURTHER ORDERED that **all filings shall be made by 4:00 p.m.** on the date the filing  
2 is due.

3 IT IS FURTHER ORDERED that **each party shall prepare and bring to the pre-hearing**  
4 **conference copies of an issues matrix** setting forth all disputed issues in the case. Each issues matrix  
5 shall indicate the position of each party on each disputed issue and shall indicate whether the disputed  
6 issue remains in dispute or has been resolved and, if resolved, in what manner. Multiple parties may  
7 jointly prepare and provide an issues matrix if they are able to do so.

8 IT IS FURTHER ORDERED that any **objections to prefiled testimony or exhibits** shall be  
9 made before or at the pre-hearing conference to be held in this matter.

10 IT IS FURTHER ORDERED that any **substantive corrections, revisions, or supplements to**  
11 **prefiled testimony**, with the exception of rejoinder testimony, shall be reduced to writing and filed no  
12 later than **five calendar days before the witness is scheduled or reasonably expected to testify.**  
13 Substantive corrections, revisions, or supplements to prefiled rejoinder testimony shall be reduced to  
14 writing and presented on the first day of hearing.

15 IT IS FURTHER ORDERED that each party shall prepare a brief, **written summary** of the  
16 prefiled testimony of each of its witnesses and shall file each summary **as soon as possible** and no later  
17 than **five calendar days before the witness is scheduled or reasonably expected to testify.**

18 IT IS FURTHER ORDERED that **copies of the summaries shall be served** upon the  
19 Administrative Law Judge, the Commissioners, and the Commissioners' aides as well as all parties of  
20 record.

21 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,  
22 except that **all motions to intervene must be filed on or before February 11, 2020.**

23 IT IS FURTHER ORDERED that **discovery** shall be as permitted by law and the rules and  
24 regulations of the Commission, except that **until June 26, 2020**, any objection to discovery requests  
25 shall be made within 7 calendar days of receipt,<sup>2</sup> and responses to discovery requests shall be made  
26 within 10 calendar days of receipt. Thereafter, objections to discovery requests shall be made within  
27

28 <sup>2</sup> The date of receipt of discovery requests is not counted as a calendar day, and requests received after 4:00 p.m. Arizona time will be considered as received the next business day.

1 5 calendar days, and responses shall be made within 7 calendar days. The response time may be  
2 extended by mutual agreement of the parties involved.

3 IT IS FURTHER ORDERED that **July 13, 2020**, is the **last date** on which a party may serve a  
4 **discovery request**, unless the party to whom the discovery request is directed agrees to receive it after  
5 that date.

6 IT IS FURTHER ORDERED that for discovery requests, objections, and answers, if a receiving  
7 party requests service to be made electronically, and the sending party has the technical capability to  
8 provide service electronically, service to that party shall be made electronically.

9 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel  
10 discovery, any party seeking resolution of a discovery dispute may telephonically contact the  
11 Commission's Hearing Division to request a date for a procedural conference to resolve the discovery  
12 dispute; that upon such a request, a procedural conference will be convened as soon as practicable; that  
13 the party making such a request shall forthwith contact all other parties to advise them of the date and  
14 time of the procedural conference and shall at the procedural conference provide a statement  
15 confirming that the other parties were contacted and **explaining the good faith efforts made to resolve**  
16 **the discovery dispute, which shall include reasonable attempts at verbal communication either**  
17 **in person or by telephone.**<sup>3</sup>

18 IT IS FURTHER ORDERED that **APS shall make available to each party, through an**  
19 **extranet site, each discovery request directed to APS and each discovery response produced by**  
20 **APS.** APS shall make each such discovery request and discovery response available through the  
21 extranet site as soon as possible and **no later than 24 hours after its receipt or production** by APS.  
22 APS may require each party, as a condition to access nonconfidential information on the extranet site,  
23 to complete a reasonable access agreement that establishes conditions of use. APS may require each  
24 party, as a condition to access confidential information on the extranet site, to complete a reasonable  
25 confidentiality agreement. APS shall not assess any fees for parties to have access to or use the extranet  
26 site.

27 \_\_\_\_\_  
28 <sup>3</sup> The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1 IT IS FURTHER ORDERED that any motion, other than a dispositive motion, that is filed in  
 2 this matter and that is not ruled upon within 20 calendar days of the filing date of the motion shall be  
 3 deemed denied.

4 IT IS FURTHER ORDERED that any response to a motion other than a dispositive motion  
 5 shall be filed within seven calendar days of the filing date of the motion.

6 IT IS FURTHER ORDERED that any response to a dispositive motion shall be filed within 10  
 7 calendar days of the filing date of the motion.

8 IT IS FURTHER ORDERED that any reply to a response shall be filed within five calendar  
 9 days of the filing date of the response.

10 IT IS FURTHER ORDERED that APS shall provide public notice of the hearing in this  
 11 matter, in the following form and style, with the heading in no less than 12-point bold type and the  
 12 body in no less than 10-point regular type:

13 **PUBLIC NOTICE OF HEARING ON**  
 14 **ARIZONA PUBLIC SERVICE COMPANY'S ("APS'S") APPLICATION**  
 15 **FOR APPROVAL OF A PERMANENT RATE INCREASE.**  
**(DOCKET NO. E-01345A-19-0236)**

16 **Summary**

17 On October 31, 2019, APS filed with the Arizona Corporation Commission  
 18 ("Commission") a Rate Application ("Application"), requesting approval of rates,  
 19 charges, and schedules that would result in an annual increase in net revenue of \$184  
 20 million. The Application uses a test year ending June 30, 2019. APS states that the  
 21 increased revenue requested is necessary to cover the Selective Catalytic Reduction  
 22 ("SCR") project at the Four Corners Power Plant, the Ocotillo Modernization Project,  
 23 an increase in Crisis Bill funding for limited-income customers experiencing financial  
 24 crisis, the elimination of certain customer fees, changes to the depreciation rates  
 25 currently applied to APS's utility plant, and 12 months of post-test year investments in  
 26 plant. The Application proposes a return on equity of 10.15%, a 7.41% weighted  
 27 average cost of capital, and a return on fair value increment of 1.0%, resulting in a  
 28 proposed fair value rate of return of 5.62% on a proposed fair value rate base of \$12.3  
 billion.

The proposed revenue requirement includes a pro forma adjustment to reflect the  
 increased expense related to suspending disconnections of service and late fees during  
 the summer months to comply with the Commission's emergency rules on termination  
 of service.

**Adjustor Mechanisms**

APS proposes:



- 1 • to eliminate the monthly Tax Expense Adjustment Mechanism ("TEAM") Phase I  
2 credit (\$0.004194 per kWh for most customers) and instead include in base rates the  
3 \$119 million in annual tax expense savings that resulted from the 2018 federal  
4 corporate tax rate reduction;
- 5 • to recalculate and retain its Lost Fixed Cost Recovery Mechanism ("LFCR");
- 6 • to stop collecting through the monthly Environmental Improvement Surcharge  
7 ("EIS") the \$3.9 million environmental compliance capital investment and instead  
8 collect it through base rates; and
- 9 • to stop collecting through the monthly Renewable Energy Adjustment Charge  
10 ("REAC") the \$321,000 Arizona Solar Communities-related renewable generation  
11 capital investment cost and instead collect it through base rates.

12 In the alternative, APS proposes to eliminate the need for all adjustor mechanisms other  
13 than the Power Supply Adjustor and the Transmission Cost Adjustor through  
14 implementation of a formula rate mechanism that would allow for annual review and  
15 adjustment to rates based on agreed inputs to the formula.

#### 16 Residential Rate Changes

17 APS does not propose any major changes to its existing rate plans. APS proposes to  
18 add a winter super off-peak (10 a.m. to 3 p.m.) feature to its two residential demand  
19 rates (R-2: Saver Choice Plus and R-3: Saver Choice Max), to eliminate certain routine  
20 customer charges and instead collect those charges through base rates, to waive certain  
21 customer charges once per calendar year per customer, and to propose a subscription  
22 flat rate pilot program that would allow for a guaranteed monthly bill for two years based  
23 on average annual historical usage.

#### 24 General Service Rate Changes

25 APS proposes to increase general service rates to reflect the requested increase in  
26 revenue requirements for the class, to create an experimental AG-Y program that would  
27 provide access to market index pricing for eligible medium and large general service  
28 customers, to streamline street lighting rates, to revise irrigation pumping rates  
(schedule E-221) to distinguish between agricultural and non-agriculture uses and better  
align to cost of service, and to cancel the E-36M rate schedule (Station Use Service  
Medium) due to low enrollment.

#### 29 Bill Impacts

30 Based on test year usage, the proposed residential rates are expected to result in  
31 approximately 95.5% of customers experiencing a monthly bill increase of between 3%  
32 and 6%, approximately 4.33% of customers experiencing a monthly bill increase of 7%,  
33 and approximately 0.13% of customers experiencing a monthly bill increase of between  
34 8% and 11%.

35 The proposed general service rates are expected to result in an average monthly bill  
36 increase of 5.8% for general service customers.

#### 37 Additional Requests

38 APS requests approval of an accounting order to allow it to defer the expenses of the  
limited-income discount programs E-3 and E-4 above or below test year expenses for  
recovery or refund in APS's next rate case. APS also proposes to change the eligibility  
criteria for new customers in rural areas (Service Schedule 9) by reducing the minimum

customer load requirement from 2 MW to 1 MW. Further, APS proposes to revise its conflict-of-interest provisions. Finally, APS proposes to offer a simplified residential bill and requests waiver of any Commission rule requirements necessary to allow for such a bill.

**NEITHER THE COMMISSION'S UTILITIES DIVISION ("STAFF") NOR ANY INTERVENOR HAS YET MADE ANY RECOMMENDATION REGARDING APS'S APPLICATION. THE COMMISSION IS NOT BOUND BY THE PROPOSALS OF APS, STAFF, OR ANY INTERVENORS. THE COMMISSION WILL DETERMINE THE APPROPRIATE RELIEF TO BE GRANTED IN RESPONSE TO APS'S APPLICATION BASED ON THE EVIDENCE PRESENTED IN THIS MATTER. THE FINAL RATES APPROVED BY THE COMMISSION MAY BE HIGHER, LOWER, OR DIFFERENT THAN THE RATES PROPOSED BY APS OR BY OTHER PARTIES.**

If you have any questions concerning how the Application may affect your bill or other substantive questions about the Application, you may contact APS at: [COMPANY MUST INSERT NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS FOR CUSTOMER CONTACTS CONCERNING THE APPLICATION].

#### **How You Can View or Obtain a Copy of the Application**

Copies of the Application are available from APS [INSERT HOW AND WHERE AVAILABLE]; at the Commission's Docket Control Center at 1200 West Washington Street, Phoenix, Arizona, and the Commission's office at 400 West Congress Street, Suite 218, Tucson, Arizona, during regular business hours; and on the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket function.

#### **Public Comment**

The Commission will schedule Public Comment Sessions concerning this matter at a later date.

Written public comments may be submitted by mailing a letter referencing **Docket No. E-01345A-19-0236** to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by submitting comments on the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using "Cases and Open Meetings" and "Make a Public Comment in a Docket." If you require assistance, you may contact the Consumer Services Section at 602-542-4251 or 1-800-222-7000.

#### **Arizona Corporation Commission Public Hearing Information**

The Commission will hold a hearing on this matter beginning **July 17, 2020, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

**If you do not intervene in this proceeding, you will receive no further notice of the proceedings in this docket unless you sign up to Follow the Docket. However, all documents filed in this docket are available online** (usually within 24 hours after docketing) at the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket function. **Information on how to Follow a Docket is available on the Commission's website by clicking on "Cases and Open Meetings" and "Follow a Docket."**

#### **About Intervention**

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene. An interested person may be granted intervention if the outcome of the case will directly and substantially impact the person, and the person's intervention will not unduly broaden the issues in the case. Intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other parties' witnesses. **Intervention is not required for you to appear at the hearing and provide public comment, to file written comments in the record of the case, or to receive emailed notice of each filing made in the case by following the docket.**

**Information about what intervention means, including an explanation of the rights and responsibilities of an intervenor, is available on the Commission's website ([www.azcc.gov](http://www.azcc.gov)) by clicking on "Cases and Open Meetings" and then clicking on "Intervene in a Case."** The information includes a Sample Intervention Request and a Fillable Intervention Request Form.

To request intervention, you must file a written request to intervene, either (a) by filing a hard copy request (meeting filing requirements) with Docket Control (Docket Control, 1200 West Washington, Phoenix, AZ 85007), or (b) by eFiling the request. Your request **must be filed or eFiled no later than February 11, 2020**. Instructions and restrictions for eFiling are available on the Commission's website at <http://azcc.gov/hearing/efile-for-utilities-instruction>. You also **must** serve a copy of the request to intervene on each party of record, on the same day that you file the request to intervene with the Commission.

Your request to intervene **must** contain the information below:

1. Your name, address, and telephone number;
2. The docket number for the case in which you are requesting to intervene;
3. A short statement explaining:
  - a. Your interest in the proceeding (e.g., a customer of the regulated company involved, a property owner in an area to be affected by the case, etc.),
  - b. How you will be directly and substantially affected by the outcome of the case, and
  - c. Why your intervention will not unduly broaden the issues in the case;
4. If a hearing has not been scheduled, whether and why you believe a hearing is needed;
5. A statement certifying that you have sent a copy of your request to intervene to the regulated company or its attorney and to all other parties of record in the case; and
6. If you are not represented by an attorney who is an active member of the Arizona State Bar, and you are not representing yourself as an individual, sufficient information and any appropriate documentation to demonstrate compliance with Arizona Supreme Court Rules 31, 38, 39, and 42, as applicable. This only applies if you are NOT representing yourself and you are not a licensed attorney.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **February 11, 2020**.

#### **ADA/Equal Access Information**

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Kacie Cannon, E-mail

1 KCannon@azcc.gov, voice phone number 602-542-3931. Requests should be made as  
2 early as possible to allow time to arrange the accommodation.

3 IT IS FURTHER ORDERED that APS shall **mail** to each of its customers in each affected  
4 service area a copy of the above notice, as a bill insert beginning with the first available billing cycle  
5 or as a separate mailing, and shall cause a copy of such notice to be **published at least once in a**  
6 **newspaper/s of general circulation** in each affected service area, with mailing and publication to be  
7 completed no later than **January 14, 2020**.

8 IT IS FURTHER ORDERED that APS shall file **certification of mailing and publication** as  
9 soon as possible after the mailing and publication have been completed, but no later than **January 28,**  
10 **2020**.

11 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and  
12 publication of same, notwithstanding the failure of an individual customer to read or receive the notice.

13 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the**  
14 **Commission's website** for information regarding **Global Consent to Email Service<sup>4</sup> and how to**  
15 **Follow the Docket.<sup>5</sup>** Information regarding Global Consent to Email Service and how to Follow the  
16 Docket is available on the Commission's website (www.azcc.gov) by clicking on "**Cases and Open**  
17 **Meetings**" and then clicking on "**Globally Consent to Email Service**" or "**Follow a Docket.**"

18 IT IS FURTHER ORDERED that **documents may be eFiled** in this docket and that instructions  
19 and restrictions for eFiling are available on the Commission's website at **http://azcc.gov/hearing/efile-**  
20 **for-utilities-instruction.**

21 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
22 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

23 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
24 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
25 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings  
26 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for

27 <sup>4</sup> Global Consent to Email Service allows a party to consent to receive email service in all cases for which the party is  
28 included on the service list, now or in the future.

<sup>5</sup> The "Follow a Docket" service allows any person to receive email notice, with a link to the filing, whenever something  
is filed in the docket. The service can be used to follow one or many dockets.



1 discussion, unless counsel has previously been granted permission to withdraw by the Administrative  
2 Law Judge or the Commission.

3 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
4 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision  
5 in this matter is final and non-appealable.

6 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
7 pursuant to Rule 6(a)(2) or (c) of the Arizona Rules of Civil Procedure.

8 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or  
9 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
10 hearing.

11 DATED this 19<sup>th</sup> day of December, 2019.

12  
13 

14 SARAH N. HARPRING  
15 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

On this 19<sup>th</sup> day of December, 2019, the foregoing document was filed with Docket Control as a Procedural Order – Sets a Hearing, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

Melissa M. Krueger  
Thomas L. Mumaw  
Theresa Dwyer  
PINNACLE WEST CAPITAL CORPORATION  
400 North 5th Street, MS 8695  
Phoenix, AZ 85004  
Attorney for Arizona Public Service Company

[Melissa.Krueger@pinnaclewest.com](mailto:Melissa.Krueger@pinnaclewest.com)  
[Thomas.Mumaw@pinnaclewest.com](mailto:Thomas.Mumaw@pinnaclewest.com)  
[Theresa.Dwyer@pinnaclewest.com](mailto:Theresa.Dwyer@pinnaclewest.com)  
[Andrew.Schroeder@aps.com](mailto:Andrew.Schroeder@aps.com)  
[Leland.Snook@aps.com](mailto:Leland.Snook@aps.com)  
[Rodney.Ross@aps.com](mailto:Rodney.Ross@aps.com)  
[ratecase@aps.com](mailto:ratecase@aps.com)

**Consented to Service by Email**

Richard Gayer  
526 W. Wilshire Drive  
Phoenix, AZ 85003  
[rgayer@cox.net](mailto:rgayer@cox.net)

**Consented to Service by Email**

Patrick J. Black  
Lauren A. Ferrigni  
FENNEMORE CRAIG, P.C.  
2394 E. Camelback Road, Suite 600  
Phoenix, AZ 85016  
Attorneys for Freeport Minerals Corporation  
and Arizonans for Electric Choice and  
Competition  
[pblack@fclaw.com](mailto:pblack@fclaw.com)  
[lferrigni@fclaw.com](mailto:lferrigni@fclaw.com)  
[khiggins@energystrat.com](mailto:khiggins@energystrat.com)

**Consented to Service by Email**

Kurt J. Boehm  
Jody Kyler Cohn  
BOEHM, KURTZ & LOWRY  
36 E. Seventh Street, Suite 1510  
Cincinnati, OH 45202  
Attorneys for The Kroger Co.  
[kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)  
[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

**Consented to Service by Email**

Adam L. Stafford  
P.O. Box 30497  
Phoenix, AZ 85046  
Attorney for Western Resource Advocates  
[Adam.Stafford@westernresources.org](mailto:Adam.Stafford@westernresources.org)  
[Steve.Michel@westernresources.org](mailto:Steve.Michel@westernresources.org)  
[Stacy@westernresources.org](mailto:Stacy@westernresources.org)  
[Autumn.Johnson@westernresources.org](mailto:Autumn.Johnson@westernresources.org)

**Consented to Service by Email**

Timothy M. Hogan  
Jennifer B. Anderson  
ARIZONA CENTER FOR LAW IN THE  
PUBLIC INTEREST  
514 W. Roosevelt Street  
Phoenix, AZ 85003  
Attorneys for Southwest Energy Efficiency  
Project and Wildfire  
[thogan@aclpi.org](mailto:thogan@aclpi.org)  
[janderson@aclpi.org](mailto:janderson@aclpi.org)  
[ezuckerman@swenergy.org](mailto:ezuckerman@swenergy.org)  
[cpotter@swenergy.org](mailto:cpotter@swenergy.org)  
[sbatten@aclpi.org](mailto:sbatten@aclpi.org)  
[czwick@wildfireaz.org](mailto:czwick@wildfireaz.org)

**Consented to Service by Email**

Michele L. Van Quathem  
LAW OFFICES OF MICHELE VAN  
QUATHEM, PLLC  
7600 N. 15<sup>th</sup> Street, Suite 150-30  
Phoenix, AZ 85020  
Attorney for SOLON Corporation  
[mvq@mvqlaw.com](mailto:mvq@mvqlaw.com)

**Consented to Service by Email**

1 Daniel W. Pozefsky  
2 RUCO  
3 1110 W. Washington Street, Suite 220  
4 Phoenix, AZ 85007  
5 [dpozefsky@azruco.gov](mailto:dpozefsky@azruco.gov)  
6 [procedural@azruco.gov](mailto:procedural@azruco.gov)  
7 [jfuentes@azruco.gov](mailto:jfuentes@azruco.gov)  
8 [cfraulob@azruco.gov](mailto:cfraulob@azruco.gov)  
9 **Consented to Service by Email**

6 Bob Miller  
7 Ralph Johnson  
8 Property Owners and Residents  
9 Association of Sun City West  
10 13815 W. Camino del Sol  
11 Sun City West, AZ 85375  
12 [bob.miller@porascw.org](mailto:bob.miller@porascw.org)  
13 [rdjscw@gmail.com](mailto:rdjscw@gmail.com)  
14 **Consented to Service by Email**

11 Greg Patterson  
12 MUNGER CHADWICK  
13 5511 S. Jolly Roger Road  
14 Tempe, AZ 85283  
15 Attorney for Arizona Competitive Power  
16 Alliance  
17 [greg@azcpa.org](mailto:greg@azcpa.org)  
18 **Consented to Service by Email**

16 Robin Mitchell, Director  
17 Legal Division  
18 ARIZONA CORPORATION COMMISSION  
19 1200 West Washington Street  
20 Phoenix, AZ 85007  
21 [LegalDiv@azcc.gov](mailto:LegalDiv@azcc.gov)  
22 [utildivservicebyemail@azcc.gov](mailto:utildivservicebyemail@azcc.gov)  
23 **Consented to Service by Email**

22 By:

23 Grace Beltran  
24 Assistant to Sarah N. Harpring  
25  
26  
27  
28

Court Rich  
Eric Hill  
ROSE LAW GROUP PC  
7144 E. Stetson Drive, Suite 300  
Scottsdale, AZ 85251  
Attorneys for Solar Energy Industries  
Association and Arizona Solar Energy  
Industries Association  
**Emailed as a courtesy**

COASH & COASH, INC.  
Court Reporting, Video and  
Videoconferencing  
1802 North 7<sup>th</sup> Street  
Phoenix, AZ 85006  
**Emailed as a courtesy**